

# Mounds View Public Schools Ends and Goals Regulation

## EG-3108 Maltreatment of Minors

The following regulations have been established to implement policy EG-3108 regarding Maltreatment of Minors.

### I. DEFINITIONS

A. Maltreatment of a child means physical abuse, sexual abuse or neglect.

1. "Physical abuse" is defined in Minnesota Statutes, Section 626.556, subdivision 2(d) as:

- a. Any physical or mental injury or threatened injury, inflicted by a person responsible for the child's care on a child other than by accidental means; or
  - i. "Mental injury" means an injury to the psychological capacity or emotional stability of the child as evidenced by an observable or substantial impairment in the child's ability to function within a normal range of performance and behavior with due regard to the child's culture.
  - ii. "Threatened injury" means a statement, overt act, condition or status that represents a substantial risk of physical or sexual abuse or mental injury.
- b. Any physical injury that cannot reasonably be explained by the child's history of injuries, or any aversive and deprivation procedures that have not been authorized under section 245.852.
- c. Abuse does not include reasonable and moderate physical discipline of a child administered by a parent or legal guardian which does not result in injury. Actions which are not reasonable and moderate include, but are not limited to, any of the following that are done in anger or without regard to the safety of the child:
  - i. throwing, kicking, burning, biting, or cutting a child
  - ii. striking a child with closed fist
  - iii. shaking a child under age three
  - iv. striking or other actions which result in any non-accidental injury to a child under 18 months of age
  - v. unreasonable interference with a child's breathing
  - vi. threatening a child with a weapon as defined in section 609.02 subd.6
  - vii. striking a child under age one on face or head

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- viii. purposely giving a child poison, alcohol, or dangerous, harmful, controlled substances which were not prescribed for the child by a practitioner, in order to control or punish the child; or other substances that substantially affect the child's behavior, motor coordination, or judgment or that results in sickness or internal injury, or subjects the child to medical procedures that would be unnecessary if the child were not exposed to the substances
  - ix. unreasonable physical confinement or restraint including but not limited to tying, caging, or chaining.
2. "Sexual Abuse" is defined in Minnesota Statutes, Section 626.556, subdivision 2(a) as:
- a. The subjection of a child by a person responsible for the child's care, by a person who has a significant relationship to the child as defined in section 609.3431, or by a person in a position of authority, as defined in Section 609.341, subdivision 10, to any act which constitutes a violation of section 609.342, 609.343, 609.344, or 609.345 (criminal sexual conduct, intrafamilial sexual abuse, or incest).
  - b. Sexual abuse includes threatened sexual abuse.
  - c. Sexual contact means intentional touching of a child's intimate parts or inducing or coercing a child to touch another person's intimate parts. "Intimate parts" means genital area, groin, thighs, buttocks, or breasts, including the clothing covering those intimate parts.
  - d. "Sexual abuse" may include juvenile prostitution and child pornography.
3. "Neglect" is defined in Minnesota Statutes, Section 626.556, subdivision 1(c) as:
- a. Failure by a person responsible for a child's care to supply a child with necessary food, clothing, shelter or, health, medical, or other care required for the child's physical or mental health when reasonably able to do so;
  - b. Failure to protect a child from conditions or actions which imminently and seriously endanger the child's physical or mental health when reasonably able to do so;
  - c. Failure to provide for necessary supervision or child care arrangements appropriate for a child after considering factors such as the child's age, mental ability, physical condition, length of absence, or environment, when the child is unable to care for the child's own basic needs or safety, or the basic needs or safety of another child in their care;
  - d. Failure to ensure that the child is educated as defined in sections 120A.22 and 260.155, subdivision 9;
  - e. Medical neglect, meaning a failure to provide medical treatment. However, a child is not neglected solely because the child's parent, guardian or other person responsible for the

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child's care in good faith, selects and depends upon spiritual means or prayer for treatment or care of disease or remedial care of the child; except that there is a duty to report if a lack of medical care may cause eminent and serious danger to the child's health.

- f. Prenatal parental exposure to a controlled substance as defined in Section 253B.02, subdivision 2, used by the mother for a non-medical purpose, as evidenced by withdrawal symptoms in the child at birth, result of a toxicology test performed on the mother at delivery or of the child at birth, or medical effects or developmental delays during the child's first year which medically indicate parental exposure to a controlled substance; or
  - g. Parent or other person responsible for the care of the child engaging in:
    - i. Violent behavior that demonstrates a disregard for the well being of the child as indicated by action that could reasonably result in serious physical, mental, or threatened injury, or emotional damage to the child:
    - ii. Repeated domestic assault that would constitute a violation of section 609.2242, subdivision 2 or 4;
    - iii. Intentional infliction or attempted infliction of bodily harm against a family or household member, as defined in section 518B. 01, subdivision 2, that is within sight or sound of the child;
    - iv. Subjection of the child to ongoing domestic violence by the abuser in the home environment that is likely to have a detrimental effect on the well-being of the child;
    - v. Chronic and severe use of alcohol or a controlled substance that adversely affects the child's basic needs and safety;
    - vi. Emotional harm from a pattern of behavior which contributes to impaired emotional functioning of the child which may be demonstrated by substantial observable effect in the child's behavior, emotional response, or cognition that is not within the normal range for the child's age and stage of development, with due regard to the child's culture.
4. "Person responsible for the child's care" means
- a. an individual functioning within the family unit and having responsibilities for the care of the child such as a parent, guardian, or other person having similar care responsibilities, or
  - b. an individual functioning outside the family unit and having responsibilities for the care of the child such as a teacher, school administrator, or other lawful custodian or a child having either full-time or short-term care responsibilities including, but not limited, to day care, babysitting whether paid or unpaid, counseling, teaching, and coaching.

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### II. PROCEDURES FOR MANDATED REPORTING OF NEGLECT, PHYSICAL AND/OR SEXUAL ABUSE

- A. Any staff member who knows or has reason to believe that a child has been physically and/or sexually abused or neglected within the preceding three years shall immediately make a report to the local child protection agency, police department or county sheriff as early in the day as possible. Any doubts as to whether a report should be made must be resolved in favor of reporting.
- B. If the report alleges physical or sexual abuse or neglect by a teacher or other staff person who is responsible for the child's care while on the school premises, it shall be reported within 24 hours to the Department of Children, Families, and Learning. The Department's Division of Monitoring and Compliance is responsible for the investigation of abuse and neglect cases that originate in the schools.

As provided by section 626.556 3 a (2) If a report has been first made to a local law enforcement agency then that agency is responsible for the notification requirement to the Minnesota Department of Children, Families, and Learning referenced above.

- C. A staff member should consult their Crisis Intervention Handbook and contact a School Crisis Team member for consultation or support purposes any time while making a child abuse report.
- D. Pursuant to Minnesota Statutes, Section 626.556, Section 1, subdivision 7, an official oral report shall be made immediately to the appropriate agency (law enforcement or child protection agency) by telephone. An oral report made to Ramsey County Child Protection or law enforcement by a person who is required to report must be followed up by a written report within 72 hours, exclusive of weekends and holidays. A report shall be of sufficient content to identify the child, the parents, guardian or other person responsible for the child's care, the nature and extent of the child's injuries, if any, and a general assessment of the child's condition, as well as the name and address of the reporter. According to law, written responses received by law enforcement must be forwarded immediately to the child protection agency and vice versa.
  - 1. The name of the reporter shall be confidential while the report is under assessment or investigation. After the assessment or investigation is completed, the name of the reporter shall be confidential. The subject of the report may compel disclosure of reporter's name after the assessment or investigation only with the consent of the reporter or upon a written finding by a judge that the report was false and made in bad faith. Any person conducting an investigation or assessment under this section who intentionally discloses the identity of a reporter prior to the completion of the investigation or assessment is guilty of a misdemeanor.
  - 2. Authority of the child protection agency responsible for assessing the child abuse report and of the local law enforcement agency includes, but is not limited to, authority to interview, without parental consent, the alleged victim and any other minors who currently reside with or who have resided with the alleged perpetrator. The interview may take place at school or any facility or other place where the alleged victim or other minors might be found and may take place outside the presence of the perpetrator, parent, legal custodian, or school official.

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The child protection agency or law enforcement must give school officials written notification of its intent to interview children on school property. School officials shall not disclose to the parent, legal custodian, guardian or perpetrator that a request to interview the child has been made or any other information relating to the interview. It is the responsibility of the child protection agency or law enforcement to notify the parent, legal custodian or guardian, no later than the conclusion of the investigation or assessment, that the interview has occurred.

- E. It is not the responsibility of school personnel to become involved in the investigation of suspected child abuse/neglect. Investigation is the sole responsibility of the police, the Child Protection Agency, or the Minnesota Department of Children, Families, and Learning.
- F. Pursuant to law, the police department is responsible for receiving reports and relaying them to the Child Protection Agency and vice versa. The Child Protection Agency is responsible for receiving reports, investigating and fact-finding and subsequently for offering protective services and further referral to help the child and family. The local law enforcement agency and the local welfare agency shall coordinate the planning and execution of their respective investigation and assessment efforts to avoid a duplication of fact-finding efforts and multiple interviews.

### G. Release of Information Regarding Disposition

Any person who makes a report shall, upon request to the Child Protection Agency, receive a concise summary of the disposition of the report, unless release would be detrimental to the best interests of the child.

### H. Preparation and Destruction of Report

All incidents, actions taken, and contracts made shall be documented, including date(s). All comments shall be factual in nature. Such information shall become a part of the tentative record of a student in accordance with Policy #5126 - Collection, Maintenance and Dissemination of Student Records by District Schools. Any notification of intent to interview which was received by a school shall be destroyed by the school when ordered to do so by the agency conducting the assessment or investigation. The agency shall order the destruction of the notification when other records relating to the report under investigation or assessment are destroyed.

### I. Falsified Reports

Any person who knowingly or recklessly makes a false report shall be liable in a civil suit for any actual damages suffered by the person or persons so reported and for any punitive damages set by the court or jury.

Legal References: M.S. 626.556; 609.341 - 609.345; 609.364 - 609.365; 260.015; 609.321 - 609.324

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